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OFFICE OF PETITIONS

In re Application of :
Ito : DECISION ON PETITION
Application No. 09/748,370 :
Filed: December 27, 2000 :
Atty. Dkt. No.: 826.1654 :

This decision is in response to the petition filed under 37 CFR 1.181, and, alternatively, under 37 CFR 1.137(a), filed September 22, 2003.

The petition under 37 CFR 1.181 is hereby GRANTED.

The petition under 37 CFR 1.137(a) is DISMISSED AS MOOT.

This application was held abandoned April 10, 2001 for failure to timely file a proper response to the Notice to File Corrected Application Papers ("Notice") mailed February 9, 2001. The Notice set a two (2) month non-statutory period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely obtained. Notice of Abandonment was mailed July 7, 2003.

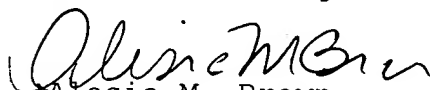
Petitioner alleges that a response to the Notice was timely filed. The response, however, identified an incorrect serial number. The response did not timely reach the correct application due to petitioner's error. As a result of this error, the application became abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the transmittal accompanying the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as

occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

A handwritten signature in cursive script, appearing to read "Alesia M. Brown".

Alesia M. Brown
Petitions Attorney
Office of Petitions